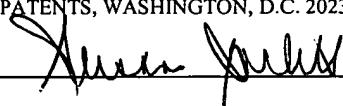




#1058
11629-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ackerman	Examiner: C. Serke
Serial No.: 09/449,096	Group Art Unit: 3763
Filed: 11/24/99	Docket No.: Ackrad-5
For: SINGLE LUMEN BALLOON CATHETER APPARATUS	Date: November 11, 2002
I CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL ON THE DATE ABOVE IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.  11-12-02 <u>Susan Barlett</u>	

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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REPLY

This communication is responsive to the Office Action dated September 13, 2002 having a shortened statutory period for reply set to expire on December 13, 2002.

REMARKS

It is noted that the Office Action incorrectly lists claims 1-23 as pending and rejected in the application. Since claims 8 and 10 were canceled in the reply filed on June 14, 2002, the claims that are actually pending are 1-7, 9, and 11-23. Of these claims, claims 17-21 stand withdrawn from consideration and claims 1-7, 9, 11-16, 22, and 23 stand rejected.

Claims 1-16 and 22-23 (actually claims 1-7, 9, 11-16, 22, and 23) stand finally rejected under 35 USC 103 (a) as being unpatentable over U.S. Patent 5,624,399 to Ackerman in view of U.S. Patent 5,100,382 to Valtchev.

Claims 1 and 9 both call for the external opening adjacent the first end (of the tubular body or catheter) to generate a back-flow within the lumen which causes the fluid to enter and